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UMG RECORDINGS, INC.; SONY BMG MUSIC
ENTERTAINMENT; ARISTA RECORDS LLC;
ELEKTRA ENTERTAINMENT GROUP INC.;
CAPITOL RECORDS, INC.; and BMG MUSIC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UMG RECORDINGS, INC., a Delaware
corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; ARISTA RECORDS LLC, a
Delaware limited liability company; ELEKTRA
ENTERTAINMENT GROUP INC., a Delaware
corporation; CAPITOL RECORDS, INC., a
Delaware corporation; and BMG MUSIC, a New
York general partnership,
Plaintiffs,

v.

ELISE TAMAI,
Defendant.

CASE NO. 3:07-CV-04835-JCS

Honorable Joseph C. Spero

PROOF OF SERVICE

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On March 27, 2008, I served the foregoing documents described as:

**ORDER GRANTING *EX PARTE* APPLICATION TO CONTINUE CASE MANAGEMENT
CONFERENCE**

on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

**Elise Tamai
564 Alviso Street
Santa Clara, CA 95050**

☒ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 27, 2008 at San Francisco, California.


Molly Morris

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8 Attorneys for Plaintiffs,
9 UMG RECORDINGS, INC.; SONY BMG
10 MUSIC ENTERTAINMENT; ARISTA
11 RECORDS LLC; ELEKTRA
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13 CAPITOL RECORDS, INC.; and BMG
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23 ENTERTAINMENT GROUP INC., a Delaware
24 corporation; CAPITOL RECORDS, INC., a
25 Delaware corporation; and BMG MUSIC, a New
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27 Plaintiffs,

28 v.

ELISE TAMAI,

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CASE NO. 3:07-CV-04835-JCS

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***EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for April 4, 2008, at 10:30 a.m., to July 11, 2008. As further explained below,
3 Defendant Elise Tamai ("Defendant") has not appeared in this action, and Plaintiffs are filing a
4 request for clerk's default. Therefore, a case management conference is unnecessary at this time.

5 1. Plaintiffs initially filed the Complaint in this matter against a John Doe defendant on
6 September 20, 2007. In order to discover the Doe defendant's true identity, Plaintiffs also filed their
7 *Ex Parte* Application for Leave to Take Immediate Discovery seeking the Court's permission to
8 serve a Rule 45 subpoena on Defendant's Internet Service Provider ("ISP"). On October 3, 2007,
9 the Court issued an Order for Leave to Take Immediate Discovery. Plaintiffs then served a
10 subpoena on the ISP, which thereafter identified the Defendant, Elise Tamai.

11 2. While this case was still in the Doe stage, the Court issued a December 21, 2007
12 Order granting Plaintiffs' previous request to continue the case management conference from the
13 original date of January 11, 2008 to the currently scheduled date.

14 3. Once the ISP identified Defendant, Plaintiffs sent her a letter notifying her of
15 Plaintiffs' claims and encouraging her to contact Plaintiffs and attempt to amicably resolve this
16 matter. No settlement was reached. Accordingly, on January 18, 2008, Plaintiffs filed their First
17 Amended Complaint naming Ms. Tamai individually as the Defendant.

18 4. Defendant was served with process on February 18, 2008, by substitute service.
19 Defendant has not answered or otherwise responded to the Complaint. Accordingly, along with this
20 application, Plaintiffs are filing a request for entry of clerk's default.

21 5. Given the circumstances of this case, there is no need for a case management
22 conference at this time. Therefore, Plaintiffs respectfully request that the Court continue the case
23 management conference from April 4, 2008, at 10:30 a.m., to July 11, 2008, or such other date as
24 conveniences the Court.

25 Dated: March 25, 2008

HOLME ROBERTS & OWEN LLP

26
27 By: /s/ Matthew Franklin Jaksa
28 MATTHEW FRANKLIN JAKSA
Attorney for Plaintiffs

[PROPOSED] ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for April 4, 2008, at 10:30 a.m., be continued to ~~July 11, 2008~~. July 25, 2008 at 1:30 PM

Dated: 03/26/08

By:

